

Application No. 10/526,907
Amendment dated May 15, 2005
Reply to Office Action of March 9, 2006

Docket No.: HO-P03139US0

REMARKS

The following issues are pending in the application:

- Claims 1-3 and 5 are rejected under 35 U.S.C. 102;
- Claims 1-4, 6 and 8 are rejected under 35 USC 102; and
- Claims 4 and 6-8 are rejected under 35 USC 103.

Claim Amendments

Independent claim 1 has been amended to recite a container body and a lid having a connecting land extending radially outwards from its peripheral rim, with a projection or recess provided at the end of the land distal from the lid and being perpendicular to the land, which can be brought into engagement with the recess or the projection on the container body. Support for this amendment is found in paragraph [0021] and Figs. 2 and 3. No new matter has been added.

35 U.S.C. 102(b)

Claims 1-3 and 5 have been rejected under 35 U.S.C. 102(b) as having subject matter anticipated by U.S. Patent No. 5,417,339 to Liu. Applicant respectfully traverses this rejection.

Liu discloses a parts container having a bottom and a cover. The cover has a flexible strip 24 extending downwardly from the cover 2 in which a barb 241 is pressed into the strip 24. A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Liu reference teach or disclose a container body and a lid connected to it in which the lid has a connecting land extending radially outwards from its peripheral rim, with a projection or recess provided at the end of the land distal from the lid and being perpendicular to the land, which can be brought into engagement with the recess or the projection on the container body. The cover of Liu does not include a connecting land

Application No. 10/526,907
Amendment dated May 15, 2005
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Docket No.: HO-P03139US0

extending radially outwards from its peripheral rim with a projection at the end of the land being perpendicular to the land. Therefore, Applicant respectfully asserts that since Liu fails to teach or suggest each and every limitation of the presently amended independent claim 1, a rejection under 35 U.S.C. 102(b) cannot be sustained. Since dependent claims 2-3 and 5 depend at least in part on amended independent claim 1, they by definition are not anticipated by the Liu reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-3 and 5 under 35 U.S.C. 102 as having subject matter anticipated by U.S. Patent No. 5,417,339 to Liu.

35 U.S.C. 102(b)

Claims 1-4, 6 and 8 have been rejected under 35 USC 102 (b) as having subject matter anticipated by U.S. Pat. No. 6,021,971 to Lovell et al. or U.S. Pat. No. 4,212,415 to Neely or U.S. Pat. No. 4,896,748 to Heath. Applicant respectfully traverses this rejection.

Lovell et al discloses a pail and plastic lid in which the lid 1 has a projection 7 extending downwardly from the rim of the lid and parallel to the lid. The projection 7 terminates in a forked tip 22. A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Lovell reference teach or disclose a container body and a lid connected to it in which the lid has a connecting land extending radially outwards from its peripheral rim, with a projection or recess provided at the end of the land distal from the lid and being perpendicular to the land, which can be brought into engagement with the recess or the projection on the container body. The cover of Lovell does not include a connecting land extending radially outwards from its peripheral rim with a projection at the end of the land being perpendicular to the land. Therefore, Applicant respectfully asserts that since Lovell et al. fails to teach or suggest each and every limitation of the presently amended independent claim 1, a rejection under 35 U.S.C. 102(b) cannot be sustained. Since dependent claims 2-4, 6 and 8 depend at least in part on amended independent claim 1, they by definition are not anticipated by the Lovell et al. reference. Accordingly, Accordingly, Applicant respectfully requests reconsideration and withdrawal of

Application No. 10/526,907
Amendment dated May 15, 2005
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Docket No.: HO-P03139US0

the outstanding rejection of claims 1-4, 6 and 8 under 35 U.S.C. 102 as having subject matter anticipated by U.S. Patent No 6,021,971 to Lovell et al.

Neely discloses a dispensing housing comprising modules 12, 14, 16 interconnected with each other. Module 16 has a cover 56 that includes a downwardly extending wall 74 that is perpendicular to the top 66 of the cover 56. Wall 74 is provided with projections 86 extending from extension 80. A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Neely reference teach or disclose a container body and a lid connected to it in which the lid has a connecting land extending radially outwards from its peripheral rim, with a projection or recess provided at the end of the land distal from the lid and being perpendicular to the land, which can be brought into engagement with the recess or the projection on the container body. The cover of Neely does not include a connecting land extending radially outwards from its peripheral rim with a projection at the end of the land being perpendicular to the land. Therefore, Applicant respectfully asserts that since Neely fails to teach or suggest each and every limitation of the presently amended independent claim 1, a rejection under 35 U.S.C. 102(b) cannot be sustained. Since dependent claims 2-4, 6 and 8 depend at least in part on amended independent claim 1, they by definition are not anticipated by the Neely reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-4, 6 and 8 under 35 U.S.C. 102 as having subject matter anticipated by U.S. Pat. No. 4,212,415 to Neely.

Health discloses a fitting for interconnecting non-metallic conduit. The cover 76 has latch member 78, 79 and 80 that extend downwardly in which each latch member has extensions forming an L-shaped tab. A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Health reference teach or disclose a container body and a lid connected to it in which the lid has a connecting land extending radially outwards from its peripheral rim, with a projection or recess provided at

Application No. 10/526,907
Amendment dated May 15, 2005
Reply to Office Action of March 9, 2006

Docket No.: HO-P03139US0

the end of the land distal from the lid and being perpendicular to the land, which can be brought into engagement with the recess or the projection on the container body. The cover of Health does not include a connecting land extending radially outwards from its peripheral rim with a projection at the end of the land being perpendicular to the land. Therefore, Applicant respectfully asserts that since Health fails to teach or suggest each and every limitation of the presently amended independent claim 1, a rejection under 35 U.S.C. 102(b) cannot be sustained. Since dependent claims 2-4, 6 and 8 depend at least in part on amended independent claim 1, they by definition are not anticipated by the Heath reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-4, 6 and 8 under 35 U.S.C. 102 as having subject matter anticipated by U.S. Pat. No. 4,896,748 to Heath.

35 U.S.C. 103(a)

Claims 4 and 6-8 have been rejected under 35 USC 103(a) as having subject matter unpatentable over Liu in view of U.S. Pat. No. 6,102,257 to Goyet. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the previous discussion of the patentability of the current invention over Liu obviates the present rejection. Goyet adds no new teachings to Liu that would result in the inventive method of amended claim 1. Claims 4 and 6-8 depend from amended independent claim 1, include all of the limitations of amended claim 1, and therefore are also nonobvious. If an independent claim is nonobvious under 35 U.S.C. § 103 then any claim depending therefrom is by definition nonobvious. *In re Fine* 5 U.S.P.Q.2d 1596 (Fed Cir, 1988). Applicant asserts that because of its dependency from amended independent claim 1, claims 4 and 6-8 are nonobvious over Liu in combination with Goyet. Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 4 and 6-8 under 35 U.S.C. 103(a) as being unpatentable over Liu in view of U.S. Pat. No. 6,102,257 to Goyet.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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7


Application No. 10/526,907
Amendment dated May 15, 2005
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Docket No.: HO-P03139US0

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03139US0 from which the undersigned is authorized to draw.

Dated: 5-15-06

Respectfully submitted,

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PTO/SB/07 (08-04)

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Application No. (if known): 10/528,907

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Amendment Transmittal Letter (1 page)

Amendment in Response to Final Office Action (8 pages)